

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR - 4 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISIONJULIA C. DUDLEY, CLERK
BY: *a. Seay*
DEPUTY CLERK

SHARON ROBINSON,

Plaintiff,

v.

WAL-MART STORES EAST, LP,¹

Defendant.

Case No. 7:18-cv-335

By: Michael F. Urbanski
Chief United States District Judge**ORDER GRANTING SUMMARY JUDGMENT**

For the reasons stated on the record, the court GRANTS defendant Wal-Mart Stores East, LP's (Wal-Mart) motion for summary judgment, ECF No. 15, and dismisses Plaintiff Sharon Robinson's claims in their entirety. The court finds that no genuine issue of material fact exists on the issue of whether Wal-Mart had actual or constructive knowledge of the puddle of water on the floor causing plaintiff's fall. Defendant conceded there is no evidence of actual notice of the puddle and provided no evidence that Wal-Mart had constructive notice of the puddle. Plaintiff asked the court to infer constructive notice from the existence of the puddle, which is inconsistent with Virginia law.

Although the court believes that the issue of contributory negligence is best resolved by a jury in this case, the court need not reach that issue as plaintiff failed to make out a prima facie case.

¹ At the hearing on the motion for summary judgment, the parties stipulated that the proper defendant in this case is Wal-Mart Stores East, LP. The court dismissed Wal-Mart Associates, Inc., as defendant and substituted Wal-Mart Stores, East, LP.

For these reasons, Wal-Mart's motion is **GRANTED**, all claims are **DISMISSED**, and this case is **STRICKEN** from the active docket.

It is so **ORDERED**.

Entered: 04-04-2019

/s/ Michael F. Urbanski

Michael F. Urbanski
Chief United States District Judge